

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11971-GAO

JANET M. BUTLER,

Plaintiff,

VS.

MARK S. BEATON, Individually and in his capacity
as a Member of the BOARD OF SELECTMEN OF
THE TOWN OF KINGSTON,
PAUL M. GALLAGHER, OLAVO B. DEMACEDO,
JOSEPH D. KELLEHER, RICHARD E. KENNEY
in their capacities as Members of the
BOARD OF SELECTMEN OF THE TOWN OF KINGSTON
and TOWN OF KINGSTON,

Defendants.

ORDER OF JUDGMENT

This action came on for hearing before the Court, Hon. Magistrate-Judge Judith G. Dein, presiding, and the issues having been duly heard, and a decision having been duly rendered,

It is Ordered and Adjudged that with respect to Count I of the complaint, and pursuant to Mass. Gen. L. c. 249 §4, the decision of the Kingston Board of Selectmen removing plaintiff Janet Butler be quashed as arbitrary and capricious, and that Butler shall thereby resume her position as an alternate member of the Kingston Zoning Board of Appeals; that with respect to Count III of the complaint, judgment is entered for the defendants, as the plaintiff has shown no violation of her procedural due process rights and has not shown that the defendants were motivated by unconstitutional bias, and that the parties shall bear their own costs and fees.

Dated at Boston, Massachusetts, this _____ day of November, 2004.

Clerk of Court.